

**REMARKS/ARGUMENTS**

Claims 1-3, 4, 5, 7, 22-24, 26, 36, 38-49, and 51-55. No new matter has been added.

Claims 1-3, 6-7, 9-13, and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin (US 7130904 B2) in view of Ho (US 7151762 B1).

Claims 4-5, and 19-21 and 50 are rejected under U.S.C. §103(a) as being patentable over Kitchin (US 7130904 B2) in view of Ho (US 7151762 B1) and further in view of Meier (US 6847620 B1).

Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin (US 7130904 B2) in view of Ho (US 7151762 B1) and further in view of Cervello (US 2002/0071448 A1).

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchin (US 7130904 B2) in view of Ho (US 7151762 B1) and further in view of Beach (US 2003/0112820 A1).

Allowed and Allowable Claims

It is noted that claims 43-47 are allowed.

It is further noted that claims 22-42, 48, and 49 were deemed allowable.

Telephonic Interview

Applicant and the undersigned would like to thank Examiner Brooks for his time and effort during an interview conducted with Supervisory Examiner Appiah held on September 11, 2007.

During the interview, a proposed amendment of rejected claim 1 was presented and explained to the examiners. An explanation of the invention as recited in the claims was given, and a discussion of how the art of record did not teach the claim limitations was made. It was further explained that the remaining rejected independent claims 6 and 7 would be amended in a similar fashion, and that corresponding dependent claims would be amended accordingly.

The examiners indicated an understanding of the proposed claim and the distinctions presented.

Independent Claims 1, 6, and 7

An aspect of the present invention is the establishing of a BSS by virtue of interaction with an end station. Limitations have been added in the rejected independent claims to emphasize this feature. Independent claims 1 and 7 have been amended. Independent claim 6 has been canceled without prejudice or disclaimer. As amended, claim 1 recites in part an access point device configured to:

- receive a request from said end station that is an association request or a probe request; and
- process said request by:
  - determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device;
  - receiving at least one parameter defining said BSS;
  - establishing said BSS based at least on said at least one parameter; and
  - sending a response to said end station that includes a BSSID of said established BSS.

See also similarly amended claim 7. Illustrative embodiments of these additional limitations are disclosed in the pending specification at pages 9 and 10. No new matter has been added.

**1. Kitchen Reference**

Claim 1 recites the reception of a specific request (i.e., an association request or a probe request). Kitchen is silent at to receiving either such request.

Claim 1 further recites limitations relating to how the access point device processes such a request, including determining a BSS that was unknown to the access point device at the time of receiving the request. Kitchen describes access points having known BSSs; see column 5, lines 2-5 and column 6, lines 5-10, for example. Kitchen is silent as to determining a BSS as part of processing a received request, or determining a BSS that was unknown to the access point device at the time of receiving a request.

Claim 1 further recites the limitations, when the access point receives an association or probe request, of receiving a parameter to define the determined BSS and then

establishing the BSS based on the parameter. Kitchin's disclosure begins with the assumption that BSSs (and ESSs, extended service sets) are already known to the access point. Therefore, Kitchin does not teach an access point that receives a parameter to define the determined BSS and then establishes the determined BSS based on the parameter in response to the access point receiving an association or probe request.

Claim 1 is further recites sending a response to the request that includes a BSSID of the established BSS. Since Kitchin does not disclose establishing a BSS in response to receiving a request from an end station, Kitchin does not teach sending a reply responsive to the request that includes a BSSID of the established BSS.

Kitchin does not teach (or even suggest) an access point configured to:  
receive a request from said end station that is an association request or a probe request; and  
process said request by:  
determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device;  
receiving at least one parameter defining said BSS;  
establishing said BSS based at least on said at least one parameter; and  
sending a response to said end station that includes a BSSID of said established BSS.

## **2. Ho Reference**

The Ho reference was cited for its teachings relating to virtual streams. It has been asserted in the Office action that Ho's virtual streams teach or suggest "virtual BSS" as previously recited. For the record, Applicant maintains the position that Ho's virtual streams are not BSSs, but rather sessions within a BSS having a given quality of service (QoS). However, in order to reduce the prosecution effort, the claims have been amended to cancel the term "virtual" from the claims without prejudice or disclaimer, and to focus on the points made above in connection with the Kitchin reference.

Dependent Claim 35

Allowable claim 35 has been rewritten in appended claim 55. Claim 55 follows the illustrative embodiment disclosed in the pending specification at pages 11-12. No new matter has been added.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:klm  
61107538 v1